

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

IN RE: PUTNAM PIKE SOLAR, LLC	)	Docket No.
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**PETITION**

This petition brought by Putnam Pike Solar, LLC (“Putnam”) under section 10 of The Narragansett Electric Company Renewable Energy Growth Program for Non-Residential Customers, RIPUC No. 2152-F (the “Tariff,” approved in PUC Docket 4892). Putnam asks the Commission to allow the Narragansett Electric Company d/b/a National Grid (“Narragansett”) to permit limited extensions on the deadline for Putnam to achieve operation of its solar project at expected availability and capacity.<sup>1</sup> The extension is necessary because of development, permitting, and construction delays caused by COVID-19, as contemplated by section 3 of the Tariff. Putnam asked Narragansett for a six-month extension. Narragansett denied the extension on the ground that 1) the Tariff does not provide for any extensions for medium-scale solar projects and 2) small- and medium-sized projects are not required to submit a Performance Guarantee Deposit or an Output Certification and, therefore, are ineligible for the Tariff extensions in section 3.

The absence of deadline extension provisions in section 3 of the Tariff for small- and medium-sized projects should not preclude such extensions. The denial of extensions for construction projects delayed by COVID-19 violates important public policies including health restrictions essential to the prevention of the spread of COVID-19 and violates the purposes and goals of the Renewable Energy Growth program. Additionally, the Commission has granted similar relief for small- and medium-sized solar projects affected by the COVID-19 pandemic in Docket 5029.

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<sup>1</sup> The Tariff applies to this project per the Certificate of Enrollment issued to Putnam on June 17, 2019.

## FACTS

Putnam plans to construct a 249.8 kW DC solar project at Assessor's Plat 17, Lot 35 located on Putnam Pike in Chepachet, Rhode Island (the "Project"). Putnam applied for a certificate of eligibility to participate in the Renewable Energy Growth Program (REG) and received its certificate of eligibility on June 17, 2019. Per the Tariff, the Project is due to be in commercial operation within 24 months of the date of the certificate of eligibility, or by June 17, 2021. The Tariff does not provide for extensions to small- and medium-scale projects— projects with a nameplate capacity equal to or less than 250 kW—to achieve operation at expected availability and capacity.

The Project experienced extensive delays due to COVID-19 within the Town of Glocester and only received all required town permits as of December 7, 2020. Likewise, the Project experienced extensive delays with the Rhode Island Department of Environmental Management ("RIDEM") and received the necessary permits on August 18, 2020. During the permitting delays, the Project also was placed into a restudy with Narragansett on Oct 15, 2020 due to a larger project dropping out of the interconnection queue. Putnam received an Impact Study from National Grid on January 19, 2021, and expects to enter into an Interconnection Service Agreement ("ISA") with National Grid in early February 2021.

Construction has not yet begun, and Putnam expects to order equipment once its ISA is executed with Narragansett. However, due to COVID-19, delivery of AC equipment, like transformers, are also seeing extensive delays. Timelines for deliveries are currently six (6) months; expected delivery is July 2021.

On January 5, 2021, Putnam contacted Narragansett to explain its difficulties and ask for guidance on timeline relief for medium-sized projects to achieve commercial operation in the REG program. Narragansett responded that the Project is bound by the terms of the Tariff under which it

was awarded its Certificate of Eligibility (“Certificate”) and must become operational 24 months after the date the project received its Certificate. In the correspondence, Narragansett also directed Putnam to Docket 5029 where the Commission granted limited extensions for small- and medium-sized projects but noted that ruling only applied to projects in the 2018 REG Program Year.

On January 25, 2021, Putnam again contacted Narragansett to request a six-month extension to achieve commercial operation in response to delays caused by COVID-19. Putnam informed Narragansett that the RIDEM permitting and town permitting processes were substantially prolonged, that it is anticipating delays in the delivery of equipment, and that the Project is still in an interconnection restudy and awaiting its Interconnection Service Agreement. Due to these factors beyond its control, the Project will not be operational by its June 17, 2021 deadline. Narragansett denied the extension request and reiterated that small and medium-sized REG projects have 24 months to reach commercial operation, do not require an output certification and, therefore, are not entitled to any extensions per the Tariff. Narragansett again also directed Putnam to Docket 5029. Putnam now brings this petition before that the Commission.

#### LEGAL ARGUMENT

Putnam asks the Commission to authorize Narragansett to extend the Project’s deadline for commercial operation for two reasons. First, the denial of Putnam’s requested extension is inconsistent with public policy goals and imperatives. Second, the Commission previously granted similar relief in Docket 5029.

Like all other industries, the renewable energy industry is severely impacted by COVID-19. Refusing timeline relief creates pressure to undertake practices that violate public health policy imperatives. This unforeseen and obstructive public health pandemic warrants flexibility for development and construction schedule delays to protect public health.

The refusal of an extension on these facts is also inconsistent with the purposes of the REG law. Those purposes are to “facilitate and promote installation of grid-connected generation of renewable energy; support and encourage development of distributed renewable energy generation systems; reduce environmental impacts; reduce carbon emissions that contribute to climate change by encouraging the local siting of renewable energy projects; diversify the state's energy generation sources; stimulate economic development; improve distribution system resilience and reliability; and reduce distribution system costs.” R.I. Gen. Laws § 39-26.6-1. The statutory goal for REG project production is forty megawatts of enrollment in 2019. The refusal to extend the deadline for delivery of this Project due to COVID-19 undermines achievement of that goal. The circumstances also warrant flexibility in development and construction schedules to promote renewable energy development projects and all the ancillary benefits intended from the REG law.

The Commission has granted similar relief for small- and medium-sized solar projects affected by COVID-19 in the 2018 REG program year in Docket 5029. In Docket 5029, the petitioner requested the Commission waive the deadline for its medium-sized solar project to achieve 90% output pursuant to Section 3(f) of the Tariff. Petitioner argued there was good cause for the relief due to delivery delays caused by COVID-19 directly preventing its project from timely achieving commercial operation. In granting the requested relief, the Commission clarified that Section 3(f) only applies to commercial- and large-sized projects which are required to pay a Performance Guarantee Deposit and provide an Output Certification in order to receive the REG Performance-Based Incentive payments. As a result, the Tariff allows commercial- and large-sized projects in the REG program two six-month extensions. Order 23843, Docket No. 5029, at 1 (June 11, 2020). However, the Commission acknowledged that there is no corresponding provision for

small- and medium-sized projects and that the Tariff provided no guidelines for the requested extension. *Id.* at 1–2.<sup>2</sup>

The Commission encouraged Narragansett and the petitioner to collaborate in developing a process and form to allow limited relief to projects in the 2018 REG program year affected by COVID-19. At its June 4, 2020 Open Meeting, the Commission approved an unopposed process and form to allow projects to seek a maximum 120-day extension to the deadline. The Commission stated, “while the Renewable Energy Growth Program law does not specifically allow for an extension of time to achieve the necessary output, the existence of a global pandemic and its effects on the economy, supply chain, work rules, and permitting timelines represents an extraordinary event that would suggest the need for limited accommodations to meet the purposes of the Renewable energy Growth Program. The Petitioner provided sufficient facts to support its request based on factors outside of its control resulting from the pandemic.” *Id.* at 2–3.

As the spread and severity of COVID-19 continues to increase in Rhode Island, it is not unreasonable to extend similar, limited relief for small- and medium-sized solar projects in the 2019 REG program year. Putnam, like the petitioner in Docket 5029, is a developer of a medium-sized solar project. As such, Putnam is not entitled to the two six-month extensions allowed other classes under the Tariff. Putnam has communicated to Narragansett how COVID-19 has uncontrollably affected its development and permitting schedules. This relief is equitable and entirely aligned with the relief granted in Docket 5029 as the conditions still exist given the unanticipated length and severity of the COVID-19 pandemic.

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<sup>2</sup> Section 3(i) of the Tariff provides:

Small-Scale Solar Projects and Medium-Scale Solar Projects are not required to submit a Performance Guarantee Deposit or provide an Output Certification. In order to receive Performance-Based Incentive payments under this Tariff, such projects will have 24 months after being awarded a Certificate of Eligibility to achieve operation at expected availability and capacity and meet all other requirements under this Tariff.

REQUESTED RELIEF

For these reasons, Putnam asks that the Commission order Narragansett to allow Putnam the 120-day extension on the required deadline for commercial operation.

**PUTNAM PIKE SOLAR, LLC**

By their attorneys,  
**HANDY LAW, LLC**



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**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2021, I delivered a true copy of the foregoing document to Narragansett by electronic mail.

  
Justin T. Somelofske